

908 KAR 1:400. Procedures for substance abuse prevention.

RELATES TO: KRS 194A.050, 194A.070, 222.221

STATUTORY AUTHORITY: KRS 222.211, 222.231

NECESSITY, FUNCTION, AND CONFORMITY: KRS 222.231 requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary to establish requirements and standards for licensing agencies and approving substance abuse prevention programs. KRS 194A.050 requires the secretary to promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. This administrative regulation establishes licensing requirements for substance abuse prevention agencies.

Section 1. Definitions. (1) "Agency" is defined by KRS 222.005(2).

(2) "Alcohol and other drug abuse" is defined by KRS 222.005(3).

(3) "Cabinet" is defined by KRS 194A.005.

(4) "Certified Prevention Specialist" means an individual who is approved by the Kentucky Certification Board of Prevention Professionals.

(5) "Coalition" means a partnership of volunteers working to reduce alcohol, tobacco, and other drug abuse problems through community-wide prevention strategies.

(6) "Consumer" means the recipient of prevention services.

(7) "Department" is defined by KRS 194A.030(4).

(8) "Early Intervention Program" is a program that helps Kentucky youths under age twenty-one (21) and their families learn about risks and consequences of substance use, the benefits of good health and well-being among youths, and promotes positive decision-making to resist alcohol, tobacco, and other drugs.

(9) "International Certification and Reciprocity Consortium" or "ICRC" means the organization that establishes the standards of practice in addiction counseling, prevention, and clinical supervision through testing and credentialing of addiction professionals.

(10) "Kentucky Certification Board for Prevention Professionals" or "KCBPP" means an ICRC member board that establishes competency-based certification for prevention professionals that promotes and maintains integrity and quality of service for alcohol, tobacco and other drug prevention.

(11) "Prevention" means the act of preventing problems resulting from alcohol, tobacco, and other drug use.

(12) "Prevention Director" means a prevention professional who manages Regional Prevention Center staff, serves as liaison between Regional Prevention Center and the department, and is responsible for developing the annual plan and budget documents for the prevention program.

(13) "Prevention Professional" means a paid staff, excluding clerical staff, employed by a Regional Prevention Center actively involved in the development and implementation of a substance abuse prevention program.

(14) "Regional Prevention Center" or "RPC" means a program funded by the department for the purpose of developing, providing, and coordinating substance abuse prevention programs and activities in a specified geographical region of the state.

(15) "Strategic Prevention Framework" or "SPF" means a planning process identified by Substance Abuse Mental Health Service Administration.

Section 2. Licensing Procedures. (1) An agency receiving remuneration for any prevention

program shall not operate without first obtaining an alcohol and other drug prevention license from the cabinet, unless the agency is exempted under KRS 222.003(1) and (2).

(2) An agency shall be licensed to operate a Regional Prevention Center in accordance with 908 KAR 1:380, Section 2.

(3) An application for licensure shall be submitted in writing to the Office of Inspector General, 275 East Main Street, Frankfort, Kentucky 40621.

(4) The license shall remain in effect for one (1) year from the date of issuance and may be renewed, unless the license has been:

(a) Revoked;

(b) Suspended; or

(c) Modified by the cabinet for a substantial failure to comply with the licensure standards.

(5) The license shall be conspicuously posted in a public area at the agency and shall indicate the year the license was issued or renewed.

(6) An application for licensure or renewal shall include an on-site inspection by cabinet representatives to determine compliance with licensure standards.

(7) The applicant shall provide the cabinet or its representatives access during normal hours of operation to any document needed to complete the inspection.

(8) The cabinet shall notify the agency in writing within ten (10) calendar days of any violation of licensure standards identified during the inspection.

(9) The agency shall submit to the cabinet a written plan of correction within ten (10) calendar days of receipt of the notice of violation. The correction plan shall specify the corrective action to be taken and the date when each violation shall be corrected.

(10) The certificate of licensure shall be the property of the cabinet and shall be returned upon closure or revocation of the license.

(11) The cabinet shall make available to the public a list of all licensed alcohol and other drug prevention agencies and may issue revisions and corrections to this list as changes occur.

(12) Any agency operating a program without first obtaining a license shall be subject to the penalties as stated in KRS 222.990(2).

Section 3. Changes in Agency Status. (1) An agency shall notify the cabinet within ten (10) working days of a change in:

(a) Name;

(b) Location;

(c) Ownership; or

(d) Discontinuance of services.

(2) If there is a change in agency name, ownership, or location, the cabinet may issue a new license for the remainder of the current licensure period.

Section 4. Staffing and Staff Qualifications. (1) A prevention professional shall be certified by the Kentucky Certification Board for Prevention Professionals as an International Certified Prevention Specialist within thirty-six (36) months of:

(a) The effective date of this administrative regulation; or

(b) Initial employment.

(2) The agency shall designate one (1) individual as the prevention director who shall:

(a) Be certified by the KCBPP as an International Certified Prevention Specialist; and

(b) 1. Have a bachelors degree plus five (5) years of work experience in prevention or the related fields of health, social science, marketing, communication, or education; or

2. Have a master's degree with two (2) years of work experience in prevention

administration or administration in the related fields of health, social sciences, marketing, communication, or education.

(3) Staff responsible for providing prevention services within the agency shall be clearly designated.

(4) The agency shall designate an individual to serve as an ombudsman who shall be responsible for responding to:

- (a) Staff or consumer complaints; and
- (b) Staff or consumer grievances.

Section 5. Regional Prevention Centers. (1) RPC staff shall:

(a) Conduct the following program management functions:

- 1. Planning;
- 2. Staffing;
- 3. Policy development;
- 4. Program development; and
- 5. Program evaluation;

(b) Prepare a written mission statement and program operations manuals which shall be reviewed by the prevention director at least one (1) time per year and updated as necessary;

(c) Coordinate and implement all prevention programs, initiatives, and activities funded by the department in the region, with the exception of those specifically exempted by the department;

(d) Coordinate and implement an Early Intervention Program;

(e) Assist communities to develop and implement educational and environmental strategies for adults and children to prevent the:

- 1. Use of illegal drugs;
- 2. Abuse of alcohol; and
- 3. Abuse of other chemicals such as tobacco, pharmaceuticals, and household products that have psychoactive properties;

(f) Collaborate with community agencies and organizations in the provision of prevention services;

(g) Tailor programs to the characteristics of specific target audiences, including age, gender, drug-use pattern, racial, ethnic, and cultural heritage;

(h) Gather and disseminate information about drug-specific prevention activities provided by other agencies, organizations, or individuals within their region;

(i) Participate in mentoring activities and statewide meetings as designated by the department;

(j) Participate in a computerized communication system with the department and other RPCs;

(k) Facilitate cooperation among agencies, groups, and individuals involved in prevention;

(l) Develop, maintain, and sustain regional and county coalitions;

(m) Create forums for coordination and networking of substance abuse prevention professionals; and

(n) Provide consultation with community organizations that wish to develop comprehensive prevention programs.

(2) A Prevention professional working in RPCs shall provide:

(a) Information on subjects relevant to substance abuse prevention;

(b) Professional information to assist community members in acquiring the knowledge necessary for their involvement in prevention efforts;

(c) Resources for use in community prevention programs;

(d) Books, pamphlets, audio visual, and training materials which shall be made available for use by the community; and

(e) Well-defined, structured training and learning experiences including both information and skill development designed to directly influence the drug use behavior of the consumer and incorporate evidence-based and professionally developed curricula. The program shall train:

1. Persons to reach others with prevention information or lead prevention activities in the groups with which they are involved; and

2. Professionals and volunteers in the community to conduct training for others.

(3) RPC staff shall submit schedules of training and other events to the department upon request.

(4) RPC staff shall:

1. Assist or serve only those prevention programs with a primary content that deals specifically with drug use; and

2. Not deliver programs with a primary content aimed at raising self-esteem, increasing general wellness, raising socio-economic status, or similar factors that may be indirectly related to drug abuse.

(5) RPCs may:

(a) Raise community awareness of the need for a comprehensive approach to prevention;

(b) Encourage and assist in community planning for prevention activities;

(c) Provide consultation and training for providers of prevention programs;

(d) Raise community awareness of the need for intervention and recovery programs as part of a comprehensive approach to prevention;

(e) Encourage and assist in community planning for intervention and recovery activities; and

(f) Provide consultation and training for providers of intervention and recovery programs.

(6) RPC staff shall not provide intervention and recovery programs for persons who are in need of substance abuse treatment.

Section 6. Department Responsibilities. The department shall:

(1) Conduct on-site visits to:

(a) Review program progress and compliance; and

(b) Conduct random record checks for accuracy and validity;

(2) Review and approve budgets and quarterly reports to ensure accuracy and efficiency in spending;

(3) Review training plans for RPC staff; and

(4) Ensure adherence to the Strategic Prevention Framework to include:

(a) Assessment;

(b) Building capacity;

(c) Planning;

(d) Implementation;

(e) Evaluation;

(f) Sustainability; and

(g) Cultural competence. (39 Ky.R. 1348; 1706; eff. 3-8-2013; TAm eff. 4-27-2016.)